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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,615	09/22/2000	Karl Hehl	REP-0010-C	1449

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EXAMINER

MACKEY, JAMES P

ART UNIT	PAPER NUMBER
1722	12

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,615

Applicant(s)

HEHL, KARL

Examiner

James Mackey

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A9-12

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 2,5-13,16,17 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 May 2003 has been entered.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification does not adequately describe a mold closing unit including a drive adapted to move the movable mold carrier and the support element and means for moving the support element independently from the movable mold carrier and further wherein the means for guiding the movable mold carrier and the support element includes a piston rod of the drive (claim 21), or further wherein the means for guiding includes a force transmission element (claim 22). Note that claims 21 and 22 are directed to the embodiment shown in Figure 8, but there is no movable support element in this embodiment.

4. Claims 2, 5, 12 and 20-23 are objected to because of the following informalities: in each of claims 2, 5, 21 and 23, ---said--- should be inserted before "means for moving" for proper

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antecedence; in claim 12, "the fixing device" lacks clear antecedent basis and should be changed to --the second device--; and in each of claims 20-22, --said-- should be inserted before "means for guiding" for proper antecedence. Appropriate correction is required.

5. Claims 5 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 5 and 18 only recite how the claimed apparatus structure operates during its intended use (e.g., "alternate actuation" in claim 5, "adjustably alters its own opening stroke" in claim 18); however, statements of intended use are not germane to determining the patentability of an apparatus (*In re Finsterwalder*, 168 USPQ 530), and the manner or method in which a machine is to be utilized is not germane to the issue of patentability of the machine itself (*In re Casey*, 152 USPQ 235), and therefore the recitations of claim 18 do not patentably distinguish the claimed apparatus structure and thus do not further limit the subject matter of the apparatus claims.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 5-13, 16, 17, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 5-10, 17, 23 and 24 lack nexus, in that the structural interrelationships between the claimed apparatus structural elements are not clearly and positively set forth; in other words,

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the claims are incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how do the first and second devices relate to and cooperate with each of the structural elements of the mold closing unit (and specifically the support element, the movable mold carrier and the guide elements/means); note that while claims 6-10, 17 and 24 describe some of the structural cooperative relationships of some of the elements (e.g., "the second device is in operable communication with a portion of the guide elements" in claim 6), all of the structural cooperative relationships of all of the claimed elements must be clearly and positively recited in the claims.

Note that claims 11-13 and 16 are rejected due to their dependence on indefinite claim 2.

8. Claims 1, 3, 4, 19 and 20 are allowed.

Claims 2, 6-13, 16, 17, 23 and 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

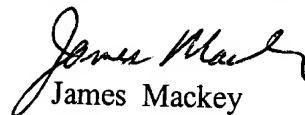
The prior art of record does not teach or fairly suggest a mold closing unit including a movable mold carrier between a support element and a stationary mold carrier, a drive adapted to move the movable mold carrier and the support element, means for guiding the movable mold carrier and the support element during movement, and means for moving the support element independently from the movable mold carrier, as claimed in claims 1 and 19.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 703-308-1195. The examiner can normally be reached on M-F, 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



James Mackey
Primary Examiner
Art Unit 1722

6/27/03

jpm
June 27, 2003